

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

CHARLES E. ASKEW

PLAINTIFF

v.

No. 4:19-cv-114-DPM

ROCK REGION METRO; CHARLES  
FRAZIER; CHARLES JACKSON;  
DONNA BOWERS; and WILSON VAUGH

DEFENDANTS

ORDER

1. Askew's motion to proceed *in forma pauperis*, No. 1, is granted. He can't afford the filing fee.

2. Askew's motion for appointment of counsel, No. 5, is denied. He's not entitled to an appointed lawyer. *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998).

3. The Court must screen Askew's complaint. 28 U.S.C. § 1915(e)(2). He alleges that employees of the local public transit authority, Rock Region Metro, violated his constitutional rights. He says that Rock Region suspended him from its facilities and services in retaliation for his complaints against it, including an earlier lawsuit in this Court, No. 4:18-cv-751-DPM, which is on appeal. Askew hasn't pleaded facts showing he has a claim under either the Eighth Amendment or the Fourteenth Amendment. But, he has pleaded a plausible claim for retaliation under the First Amendment. *Scott v.*

*Tempelmeyer*, 867 F.3d 1067, 1070 (8th Cir. 2017). Askew says Rock Region refused to serve him after he complained. That's enough for his claim to survive.

4. The Clerk should prepare and deliver five summonses, along with copies of the complaint and this Order, to the U.S. Marshal for service on Rock Region Metro, Charles Frazier, Charles Jackson, Donna Bowers, and Wilson Vaugh without prepayment of fees and costs or security.

\* \* \*

Askew's First Amendment retaliation claim survives. All his other claims are dismissed without prejudice.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

21 February 2019